



09/19/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**CERTIFICATE OF EXPRESS MAILING**

I hereby certify that this paper and the documents and/or fees referred to as attached therein are being deposited with the United States Postal Service on September 19, 2003 in an envelope as "Express Mail Post Office to Addressee" service under 37 CFR §1.10, Mailing Label Number EV332824744US, addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Ryan Eachus

Attorney Docket No.: BDGOP001X1

First Named Inventor: Berger

22388 U.S. PTO
10/665841
09/19/03

UTILITY PATENT APPLICATION TRANSMITTAL (37 CFR. § 1.53(b))
(Continuation, Divisional or Continuation-in-part application)

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir: This is a request for filing a patent application under 37 CFR. § 1.53(b) in the name of inventors:
Richard W. Berger, John L. Funk, and Brant W. Berger

For: **DISTRIBUTING PRODUCTS FROM SUPPLIERS TO CONSUMERS IN A NETWORK ENVIRONMENT**

Assigned to :

This application is a ☐ Continuation ☐ Divisional ☒ Continuation-in-part
of prior Application No.: 09/388,999, from which priority under 35 U.S.C. §120 is claimed.

Application Elements:

☒ **18** Pages of Specification, Claims and Abstract

☒ **04** Sheets of formal Drawings

☐ Declaration

☐ Newly executed

☐ Copy from a prior application (37 CFR 1.63(d) for a continuation or divisional).

The entire disclosure of the prior application from which a copy of the declaration is herein supplied is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

☐ Deletion of inventors Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).

Accompanying Application Parts:

☒ Do not publish this application. Nonpublication Request is attached.

☐ Assignment and Assignment Recordation Cover Sheet (recording fee of \$40.00 enclosed)

- ☐ Power of Attorney
☐ 37 CFR 3.73(b) Statement by Assignee
☐ Information Disclosure Statement with Form PTO-1449 ☐ Copies of IDS Citations
☐ Preliminary Amendment (*New claims numbered after highest original claim in prior application.*)
☒ Return Receipt Postcard
☐ Other:

Claim For Foreign Priority

- ☐ Priority of Application No. filed on is claimed under 35 U.S.C. § 119.
☐ The certified copy has been filed in prior application U.S. Application No.
☐ The certified copy will follow.

Extension of Time for Prior Pending Application

- ☒ A contingent Petition for Extension of Time is being concurrently filed in the prior pending application. A copy of the Petition for Extension of Time is attached.

Amendments

- ☐ Amend the specification by inserting before the first line the sentence: "This is a
☐ Continuation ☐ Continuation-in-part ☐ Divisional
 application of co-pending prior
☐ Application No. filed on ,
☐ International Application filed on which
 designated the United States,
 the disclosure of which is incorporated herein by reference."
☐ Cancel in this application original claims of the prior application
 before calculating the filing fee. (*At least one original independent claim must be retained.*)

Fee Calculation (37 CFR § 1.16)

- ☒ Applicant is entitled to Small Entity Status under 37 C.F.R. §1.27.

	(Col. 1) Total Claims		(Col. 2) Claims	(Col. 3) Present Extra	Rate	Additional Fee
TOTAL	47	MINUS	20	= 27	x 18 =	486
INDEP.	06	MINUS	3	= 03	x 84 =	252
[] First presentation of multiple dependent claim					\$280 =	
Basic Filing Fee under 37 C.F.R. §1.16(a)					\$750 =	750.00
TOTAL						1,488.00
SMALL ENTITY 50% FILING FEE REDUCTION (if applicable)						744.00

- ☒ Check No. 7975 in the amount of \$744.00 is enclosed.
- ☒ The Commissioner is authorized to charge any fees beyond the amount enclosed which may be required, or to credit any overpayment, to Deposit Account No. 500388 (Order No. BDGOP001X1).

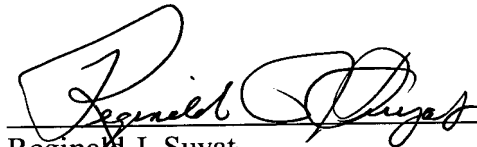
General Authorization for Petition for Extension of Time (37 CFR §1.136)

- ☒ Applicants hereby make and generally authorize any Petitions for Extensions of Time as may be needed for any subsequent filings. The Commissioner is also authorized to charge any extension fees under 37 CFR §1.17 as may be needed to Deposit Account No. 500388 (Order No. BDGOP001X1).
- ☒ Please send correspondence to the following address:

Customer Number 022434

022434

Date: September 19, 2003


Reginald J. Suyat
Registration No. 28,172

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Funk, et al.

Attorney Docket No.: BDGOP001X1

Application No.: Not Assigned

Examiner: Not Assigned

Filed: Herewith

Group: Not Assigned

Title: DISTRIBUTING PRODUCTS FROM
SUPPLIERS TO CONSUMERS IN A
NETWORK ENVIRONMENT

CERTIFICATE OF EXPRESS MAILING

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Signed: _____


Ryan Eachus

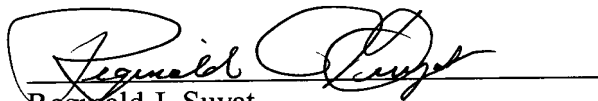
**NONPUBLICATION REQUEST AND CERTIFICATION
(35 U.S.C. 122(b)(2)(B)(i))**

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I hereby certify that the invention disclosed in the attached application has not and will not be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen (18) months after filing. I hereby request that the attached application **NOT** be published under 35 U.S.C. 122(b).

Date: September 19, 2003


Reginald J. Suyat
Registration No. 28,172

NOTE:

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application upon filing.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications, eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign of international application. Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).



COPY

COPY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Funk et al.

Attorney Docket No.: BDGOP001

Application No.: 09/388,999

Examiner: Ella Colbert

Filed: September 1, 1999

Group: 3624

Title: DISTRIBUTING PRODUCTS FROM
SUPPLIERS TO CONSUMERS IN A NETWORK
ENVIRONMENT

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as first-class mail on September 19, 2003 in an envelope addressed to the Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450.

Signed: _____

Joyce L. Ferreira

PETITION FOR
ONE MONTH EXTENSION OF TIME TO FILE APPEAL BRIEF

(Under 37 CFR §1.136)

Commissioner of Patents
Mail Stop Board of Appeals
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 CFR 1.136, Applicant requests a (1) month extension of time to the Notice of Appeal filed on July 18, 2003 in above-identified application.

Our Check for \$55.00 is hereby enclosed for payment of the Petition for a (1) Month Extension. The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 50-0388 (Order No. BDGOP001X1).

Respectfully submitted,
BEYER WEAVER & THOMAS, LLP

Reginald J. Suyat
Reg. No. 28,172

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(510) 843-6200